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EXAMINER

CHIESA, RICHARD L

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 05/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/672,422

Applicant(s)

T. NONAKA

Examiner

RICHARD L. CHIESA

Group Art Unit

1724

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on April 29, 2004
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-27 is/are pending in the application.
- Of the above claim(s) 7, 10, 14, 21, 23, and 27 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1, 3, 9, 11-13, 15-20, 22, and 24-26 is/are rejected.
- ☒ Claim(s) 2, 4-6, and 8 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☒ Certified copies of the priority documents have been received in Application No. 10/193,741
- ☐ Copies of the certified copies of the priority documents have been received
- in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

SN 10/672,422

## **DETAILED ACTION**

### ***Response To Amendment***

- (1.) The amendment filed on April 29, 2004 has been entered.

### ***Election Of Species***

- (2.) Applicant's election of species A (Figures 1-3) without traverse in the paper filed on April 29, 2004 is acknowledged. Accordingly, claims 7, 10, 14, 21, 23, and 27 are withdrawn from further consideration as being drawn to the non-elected species.

### ***Claim Rejections – 35 USC 112***

- (3.) Claims 15-20, 22, and 24-26 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, claim 15 is indeterminate due to the ambiguity of line 7. Perhaps, the word --passage-- should be inserted between "mixture" and "with" in line 7.

### ***Claim Rejections – 35 USC 102/103***

- (4.) The following is a quotation of the appropriate paragraphs of 35 USC 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(5.) The following is a quotation of 35 USC 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(6.) Claims 1 and 15 are rejected under 35 USC 102(a) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over U.S. Patent Application Publication No. 2001/0020454 to Kobayashi, hereinafter referred to as Kobayashi ('454). Kobayashi ('454) shows a carburetor air/fuel mixture control device (note Figures 1, 2, 5-11, and page 2, paragraph [0019] to page 3, paragraph [0030]) with an air passage 36, air valve 35, fuel-air mixture passage 40, throttle valve 48, fuel flow rate controlling needle valve mechanism 49, and interlocking mechanism 31-34, 41-44 to open and close the air valve and throttle valve in relation to one another as claimed (35 USC 102a). It would appear that Kobayashi ('454) may not explicitly state that the interlocking mechanism translates air valve rotational movement into throttle valve linear movement. However, Kobayashi ('454) does disclose on page 1, paragraph [0004] that the air valve and throttle valve usually move in unison in order to maximize engine power output. Consequently, it

would have been readily obvious to one of ordinary skill in the art (35 USC 103a) to translate rotational movement of the air valve into linear movement of the throttle valve in the Kobayashi ('454) carburetor for the purpose of increasing engine power output as suggested by Kobayashi ('454).

(7.) Claims 3, 12, 13, 17, 25 and 26 are rejected under 35 USC 103(a) as being unpatentable over Kobayashi ('454) in view of U.S. Patent No. 6,431,527 to Suzuki et al. Kobayashi ('454), as described above in paragraph 6, discloses a carburetor substantially as claimed. It would appear that Kobayashi ('454) may not disclose a metering window and an air bleed. In any case, Suzuki et al (note Figure 2) teach the well-known uses of a metering window 42 and an air bleed 52 in a carburetor for the purpose of improving combustion efficiency (note col. 3, lines 8-63). It would have been obvious to one of ordinary skill in the art to employ a metering window and an air bleed in the Kobayashi ('454) carburetor in order to maximize combustion efficiency as taught by Suzuki et al.

(8.) Claims 9 and 22 are rejected under 35 USC 103(a) as being unpatentable over Kobayashi ('454) in view of U.S. Patent No. 4,271,096 to Kobayashi, hereinafter referred to as Kobayashi ('096). Kobayashi ('454), as described above in paragraph 6, discloses a carburetor substantially as claimed with the apparent exception of a grooved passage on the throttle valve periphery. Kobayashi ('096) teaches the use of a grooved passage on the throttle valve periphery of a carburetor (note ref. num. 30, Figs. 2, 4, and col. 1, lines 52-57) for the purpose of maximizing flexibility. It would have been obvious to one of ordinary skill in the art to employ a grooved passage on the throttle valve periphery of the

Kobayashi ('454) carburetor in order to increase flexible operation as taught by Kobayashi ('096).

(9.) Claims 11 and 24 are rejected under 35 USC 103(a) as being unpatentable over Kobayashi ('454) in view of U.S. Patent No. 6,257,179 to Uenoyama et al. Kobayashi ('454), as described above in paragraph 6, discloses a carburetor substantially as claimed with the exception of an elliptical fuel-air mixture passage. Uenoyama et al (note ref. num 15, Figure 16, and col. 29, line 1 to col. 30, line 62) teach the use of an elliptical fuel-air mixture passage in a carburetor for the purpose of maximizing fuel-air mixing and for this same reason it would have been obvious to one of ordinary skill in the art to employ such an expedient in the Kobayashi ('454) carburetor.

#### ***Allowable Subject Matter***

(10.) Claims 2, 4-6, and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(11.) Claims 16, and 18-20 would be allowable if rewritten to overcome the rejection under 35 USC 112 set forth above in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

(12.) The prior art made of record but not applied above are considered pertinent to applicant's disclosure. These references have been cited as art of interest to show other carburetors.

(13.) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard L. Chiesa whose telephone number is (571) 272-1154.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine R. Copenheaver, can be reached at (571) 272-1156.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is (571) 272-0987.

Facsimile correspondence must be transmitted through (703) 872-9306.

Richard L. Chiesa  
May 11, 2004

*Richard L. Chiesa*

**RICHARD L. CHIESA  
PRIMARY EXAMINER  
ART UNIT 1724**

*May 11, 2004*